

party the opportunity to amend a pleading. *Foman v. Davis*, [371 U.S. 178, 182](#) (1962). “In the absence of any apparent or declared reason—such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc.—the leave sought should, as the rules require, be freely given.” *Foman*, [371 U.S. at 182](#). These standards are satisfied easily here in this case at bar.

In this case, Bond wishes to file his Amended Counterclaim to cure deficiencies. Specifically, Bond wishes to (1) clarify the issues regarding the detailed materiality of the false statements, the time, place, and contents of false representation raised in the Motion to Dismiss as pertains to defamation which remain cognizable as a claim pursuant to the existing pled requirements of notice pleadings. (2) To address with specificity the raised issues as to the exhaustion of administrative remedies. (3) To address that the Plaintiff has the power to grant the relief requested. (4) To respond that the Deferred Compensation IRS proper payment remains an element of damages and is still at issue. Any contrary claim that ‘summary judgment’ is somehow appropriate on these issues and alleged defenses to the stated counter-claims is utterly without merit.

There is no undue prejudice to the opposing party by virtue of the allowance of the amendment. The allegations in the Amended Counterclaim are the same as the Counterclaims. Bond only seeks to cure even alleged deficiencies in the interests of judicial economy for the convenience of the Court by the filing of a First Amended Counterclaim. Thus far, the parties have filed an answer and corporate disclosures. A Rule 16 Conference has only been set on June 14 for August 25.

WHEREFORE Defendant Counterclaimant Bond respectfully requests that the Court grant his Motion for leave to file the attached Amended Counterclaim. Also attached is a proposed order.

Respectfully Submitted,

/s/John H. Goffstein

John H. Goffstein, #19413
225 South Meramec Avenue, Suite 402
Clayton, Missouri. 63105
(314) 932-1919 – Office
john@goffsteinlaw.com

Attorney for Defendant Albert Bond

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 1st day of July, 2022, this document was filed and served on all counsel of record using the Court's CM/ECF system.

/s/John H. Goffstein